

EB-1081-C

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10 UNITED STATES BANKRUPTCY COURT  
11 DISTRICT OF NEW JERSEY

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17 In re: JOHN J. ZAPPILE, JR. } Case No. 24-17073 (JNP)  
18 } Chapter 13  
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RESPONSE IN OPPOSITION TO DEBTOR'S  
MOTION TO REINSTATE THE AUTOMATIC  
STAY

Exeter Finance LLC f/k/a Exeter Finance Corp. ("Exeter Finance"), a creditor of the Debtor, objects to the Debtor's Motion To Reinstate The Automatic Stay for the following reasons:

- 20 A. Exeter Finance is the holder of a first purchase money security interest in personal  
21 property described as a **2018 Jeep Wrangler** bearing vehicle identification number  
22 1C4BJWDGXJL862769.
- 23 B. The Order For Stay Relief was entered on May 6, 2025. The Debtor has not made a  
24 payment on the account since that time. The Debtor's account with Exeter Finance is  
25 past due post-petition from July 2024 through July 2025, with arrears in the amount  
26 of \$6,249.66. The account is past due contractually in the amount of \$10,324.27.

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1                   C. The amended Plan filed by the Debtor appears to attempt to pay the entire claim for  
2                   the vehicle through the Plan. The Debtor's account with the Chapter 13 Trustee is  
3                   delinquent in the amount of \$16,800.00 through July 2025, which is the equivalent of  
4                   four (4) monthly payments. The amended Plan proposed amended Plan appears to  
5                   cure post-petition arrears on the Debtor's other vehicle, in addition to this vehicle, yet  
6                   only proposes to increase the monthly payment to the Trustee by \$500.00.  
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8                   D. This is the Debtor's 3<sup>rd</sup> Bankruptcy filing within the past 3 years, with the previous 2  
9                   cases dismissing within 4 months of being filed.  
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11                  E. The Debtor's Motion is in essence, a Motion To Reconsider. This Court should only  
12                  grant a motion to reconsider if the moving party shows either: (1) an intervening change in  
13                  the controlling law; (2) the existence of new evidence that was not available when the  
14                  court issued its order; or (3) the need to correct a clear error of law or fact or to prevent  
15                  manifest injustice. It does not appear from the pleadings that any of these 3 criteria are  
16                  met in the instant case.

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19                  For the foregoing reasons, Exeter Finance respectfully requests that the Debtor's  
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21                  Motion To Reinstate The Automatic Stay be DENIED.

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24                  /s/ William E. Craig  
25                  William E. Craig, attorney  
26                  for Exeter Finance LLC  
27                  f/k/a Exeter Finance Corp.

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29                  Date: 8/1/25